

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 18-mj-1159

Morgan R. Coles

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about September 26, 2018, in the County of Genesee, in the Western District of New York, the defendant, MORGAN R. COLES: (1) did knowingly, willfully and unlawfully steal firearms from a licensed dealer of firearms, in violation of Title 18, United States Code, Section 924(m); and (2) did knowingly, willfully and unlawfully steal, unlawfully take and carry away from the person and premises of a person who is licensed to engage in the business of importing, manufacturing, and dealing in firearms, firearms in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce, in violation of Title 18, United States Code, Section 922(u).

On or about October 3, 2018, in the County of Genesee, in the Western District of New York, the defendant, MORGAN R. COLES did knowingly possess a firearm, that is, one (1) Glock Model G17, 9 mm, from which the manufacturer's serial number had been removed, obliterated and altered and that had been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922k and 924(a)(1)(B).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



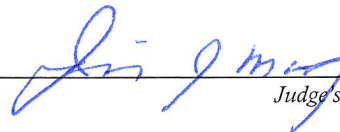
Complainant's signature

ROBERT GRUNDER
SPECIAL AGENT
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Printed name and title

Sworn to before me and signed in my presence.

Date: October 10, 2018



Judge's signature

City and State: Buffalo, New York

HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

ROBERT GRUNDER, being duly sworn, deposes and says :

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco and Firearms (herein after ATF) and am presently assigned to the Buffalo New York Field Office. Your affiant has been employed as an ATF Special Agent for approximately thirteen (13) years. During his tenure, your affiant has prepared and assisted in the execution of numerous search and arrest warrants for, and been involved in numerous criminal investigations of various violations of the Federal Firearms and Explosives Laws.

2. Your affiant makes this affidavit in support of a Criminal Complaint charging Morgan R. COLES with violating Title 18, United States Code, Sections 922(u), 924(m), 922(k) and 924(a)(1)(B). This information is based upon my involvement with the investigation in this case, including the execution of a search warrant in COLES's residence and a post-arrest interview of COLES, as well as a review of Genesee County Sheriff reports. Because this affidavit is submitted solely to show probable cause for the issuance of a criminal complaint, I have not recited every detail of the investigation.

3. On September 27, 2018 the Genesee County Sheriff's Office received a phone call from The Firing Pin, a Federal Firearms Licensee located at 8240 Buffalo Road, Bergen, New York. According to the Genesee County Sheriff's Office police report, the building was forcibly entered shortly before 11:00pm on September 26, 2018. Officers believe that an unknown individual made entry in this building through a gable vent located on the roof of the building.

4. On September 27, 2018 ATF Special Agent William Farnham and your Affiant responded to the call at The Firing Pin and met with owner Brandon Lewis. Mr. Lewis provided video surveillance of the September 26, 2018 break in at The Firing Pin. The video shows an unknown individual entering the retail portion of The Firing Pin from the range area. The individual is seen removing several firearms from the shelf and appears to place them into a bag. The video also shows the individual using a light, possibly from a cell phone, to navigate around the retail area. The surveillance video shows the individual exiting the store through the range area.

5. An ATF Theft Loss Report completed by ATF Industry Operations Investigator James Weissenburg on September 27, 2018 shows that a total of fourteen (14) handguns were taken from The Firing Pin.

6. On October 3, 2018, the Genesee County Sheriffs Office obtained a search warrant for the residence of Morgan COLES, located at 108 Jackson Street, Batavia, New

York, as well as another residence and a vehicle associated with COLES. Law enforcement executed the search warrants on the same day.

7. During the search, officers located fifteen (15) handguns at COLES's residence. Fourteen of these handguns, including one (1) Glock Model G17, 9 mm, had obliterated serial numbers. Based on my investigation, the handguns found at the defendant's residence appear to match the descriptions of the handguns stolen from The Firing Pin. An interstate nexus expert with the ATF has confirmed that this Glock Model G17, 9 mm had been shipped or transported in interstate commerce. In addition, three (3) AR-15 type rifles were found. Two of the rifles field tested positive for a full automatic firearm. Another AR-15 type rifle was located within a vehicle belonging to COLES. This firearm also field tested positive for a fully automatic firearm.

8. COLES was arrested and charged in the City Court of Batavia, Genesee County, New York, with Criminal Possession of a Weapon in the First Degree, a Class B felony. COLES was provided with Miranda warnings and agreed to speak with law enforcement. Genesee County Investigators James Diehl, Chad Minuto and your affiant spoke with COLES at the Genesee County Sheriff's Office. COLES stated that he had broken into The Firing Pin and removed firearms. COLES further stated that he threw the bag of guns out of a hole in the roof.

9. When Inv. Minuto asked COLES why he scraped the serial numbers off the firearms, COLES responded "So people would buy them."

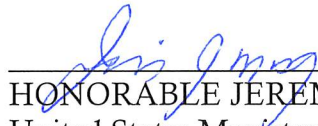
WHEREFORE probable cause exists to believe that Morgan COLES has violated Title 18 U.S.C. Sections 922(u), 924(m), 922(k) and 924(a)(1)(B).



ROBERT GRUNDER
Special Agent
Bureau of Alcohol, Tobacco, and Firearms

Sworn to and subscribed before me on

this 10TH day of October, 2018.



HONORABLE JEREMIAH J. MCCARTHY
United States Magistrate Judge